

Ukrainian power: in search of adequacy...

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Over several weeks, the world has been anxious about the forthcoming war. The U.S. announced it regarded the September 11 terrorist attacks, when about six thousands of innocent people died in New York and Washington D.C., as an act of war.

For the time being, it is unlikely that potential implications of the U.S. vengeance can be predicted, even taking into account all possible scenarios: carpet bombing of Afghanistan or large-scale land military actions. Also, it is hardly possible to forecast reaction of Moslem states to the American revenge strike, since their response can range from a series of new terrorist attacks to escalation of armed conflicts in the hotbeds of the East or even emergence of new ones. Manifestations of anti-Moslem and anti-Arabian syndromes regarding Moslems living in Western countries and their all potential outcomes can become a hinge of the above challenge and the current global crisis. It is enough to recall that soon after the September 11 tragedy, buildings of the Arabian New-York were covered with slogans «Go away!»...

The world has to offer resistance to such attitude. On September 21, Herhard Schröder held a meeting in Germany with representatives of the Catholic and the Evangelical churches, the National Moslem and Jewish Councils. According to observers and journalists, he repeatedly emphasized that fight against terrorism should not turn into rejection of the whole Arab and Islamic world.

Today, we witness a step-by-step understanding of mistaken interpretation of the current developments only as a conflict between the Christian and Islamic world. Such contrasting comparison can be admitted by no chance, for it can result in nothing. World leaders and politicians begin realizing fatal and, to put it mildly, incorrect identification of the whole Moslem world with terrorism. On September 25, U.S. Minister of Defense Donald Rumsfeld announced that the U.S. revenge action has been renamed as the «Resolute Freedom». That decision was dictated by numerous statements of Islamic leaders, who, commenting on the previous name the «Infinite Justice», stressed that only Allah could administer such justice. In the report, Donald Rumsfeld pointed out that the matter of question was just a preparation for military actions that had nothing in common with large-scale economic, political and diplomatic measures for fight against terrorism.

The United States has named bin Laden as a prime suspect in last week's attacks which it has branded acts of war. Apparently, all roads lead to al Qaeda, a worldwide terrorist organization, and pinpoint Osama bin Laden as having been involved in it. Regarding the above, many people in the world express their concern about expediency of the revenge military actions. The civil rights leaders have encouraged Afghanistan's ruling Taliban regime to accept a «world court over the deadly option of world war» by cooperating with U.S. demands to hand over suspected terrorist mastermind Osama bin Laden and his associates. However, it is common knowledge that the anti-terrorist act will also include large-scale economic and political measures targeted toward fighting terrorism.

Meanwhile, the world community learnt the most important lesson from the «American tragedy»: no country in the world can ensure security of its citizens. The above inspired social hysteria and apprehension for a global catastrophe. Should the aforementioned conflicts be escalated and involve new countries and new victims, those fears will acquire a chronic nature in Western States. Such a situation seems quite possible, for British Intelligence Service informed about probability of new terrorist attacks. British Minister of State at the Foreign and Commonwealth Office Peter Hein asserted that suspected terrorist mastermind Osama bin Laden «is preparing for new terrorist acts in the coming weeks». Moreover, the U.S. people express deep concern over the use of chemical or biological weapons during new terrorist actions.

In the context of the current global crisis, on September 24, 2001, the United States asked Ukraine to provide air corridor for American troop-carriers. The National Security and Defense Council of

Ukraine approved the decision to use the clearly identified air corridor by the U.S. Air Force within one month. On entering into the above agreement, Ukrainian government decided not to participate in potential war against Afghanistan.

Although, the precise date of poisoning the Ukrainian air space by the U.S. troop-carriers remains a mystery. On September 28, 2001, answering a question about that possible date, first deputy head of the Ukraine's Armed Force Headquarter Mykola Palchuk stated that the precise date has not been indicated, since the aforementioned agreement implied a very complex and non-traditional action (the Ukrayinskaya Pravda newspaper, September 28, 2001).

Commenting on the decision of the National Security and Defense Council of Ukraine, its Secretary Yevhen Marchuk said, «...following Ukraine's initiative, the UN Security Council passed a respective resolution urging states all over the world to take an active part in fighting terrorism» (UT-1, September 24, 2001). In the opinion of Mr. Marchuk, the U.S. party formally convinced Ukrainian politicians that while using Ukrainian air corridor, American aircrafts would carry no weaponry. Hence, the above question relates to planes carrying no ammunition and weapon of mass destruction. Should the United States have asked Ukraine provide air corridor for American bombardment planes, Ukrainian parliament would be presented with respective request.

A positive decision of the National Security and Defense Council of Ukraine (NSDCU) was made on the basis of the September 12, 2001 UN Security Council resolution No. 1368 encouraging all countries to consolidate their efforts and eliminate menace of the international terrorism. The above decision was taken in compliance with Ukraine's legislation. Article 4 of the February 22, 2000 law «On Terms of and Procedure for Providing Foreign Armed Forces with Access to the Territory of Ukraine» reads, «access and deployment of foreign armed forces equipped with nuclear, chemical, bacteriological and other annihilation weapon as well as weaponry containing the aforementioned substances is prohibited on the territory of Ukraine». The law also regulates the issue of providing air space to foreign armed forces.

On September 24, first vice-speaker of the Verkhovna Rada Victor Medvedchuk affirmed that the above law was based on the International Agreement on Conventional Weapon in Europe envisaging that the issue of access of conventional weaponry should not require consideration and approval of the Verkhovna Rada. Hence, under this document, flights of troop-carriers in Ukrainian air space may not be regulated by the law «On Terms of and Procedure for Providing Foreign Armed Forces with Access to the Territory of Ukraine». Therefore, the NSDCU decision and the presidential resolution will be sufficient for granting the permission to the U.S. troop-carriers to use Ukrainian air corridor.

In conformity with Article 107 of the Ukrainian Constitution, the presidential decree on enactment of the NSDCU resolution requires no ratification and will come into force since the date of its signing. Under the above Article, «resolutions passed by the National Security and Defense Council of Ukraine shall be enacted by virtue of presidential decrees». According to Ukrainian legislation, the Verkhovna Rada has the permission to approve presidential decrees in the event they regulate such weaponry as military aircrafts, helicopters, tanks, and 100 mm and more caliber shells. So, in this instance, the presidential decree needs no parliamentary approval.

Proceeding from the September 25, 2001 statements of the General Committee of the Communist Party of Ukraine and communist faction in the Verkhovna Rada, it is possible to assume that should Ukrainian legislation clearly indicate that the decision on providing American troop-carriers with air corridor must be voted by Ukrainian MPs, their reaction will hardly be unanimous. Communists asserted that on enacting the NSDCU resolution, President Kuchma violated Ukraine's legislation and constitutional rights, expressed total neglect to the Verkhovna Rada and ignored constitutional prerogatives, which was regarded as insult and caused deep concern (the Communist newspaper, No. 39, September 2001). In this newspaper, the decision on granting air corridor is referred to as a «dangerous venture», while Ukrainian leaders and politicians are branded almost as traitors of national interests, «...actions of President Kuchma and the National Security and Defense Council of Ukraine led by him proved once again that Ukraine has actually become an obedient servant of the United States and NATO, always ready to do what it was told». Such a peculiar position of the Communist Party of Ukraine does not mean the support for Osama bin Laden and the international terrorism but its negative attitude to the USA and NATO inherent from the period of the «Cold War». Still, there is a hope that the September 11 tragedy will alter such attitude. So, the issue of whether communists will

keep abreast of rapidly changing world remains rhetorical.

As is obvious from statements of some leaders of Ukrainian political parties, Ukrainian rightists also faced certain difficulties in understanding the today's multifaceted challenge. On the eve of presidential session of factions' leaders, chairman of the Green Party Vitaliy Kononov stressed that Ukraine should maintain neutrality in the war declared by the United States. Mr. Kononov assumed a position that only the Verkhovna Rada should be vested with power to give permission for use of Ukrainian air space by the U.S. troop-carriers (UNIAN, September 24, 2001). At that time, leader of the People's Rukh of Ukraine Hennadiy Udovychenko also shared the above opinion. Later on, it has become evident that at the meeting with Ukrainian President, spokesmen of parliamentary factions almost unanimously welcomed the NSDCU decision on granting Ukraine's air space to the U.S. troop-carriers. Hence, the decision was supported regardless of the preceding mock discussion.

Meanwhile, it is hardly possible not to pay attention to the fact that such rapid alteration of viewpoints and positions of the Ukrainian political establishment indicates that Ukraine's involvement in anti-terrorist actions still requires more profound comprehension and thereby search for well-coordinated and coherent answers to rather complicated questions posed by representatives of the legislative power. The above is true with respect to positions of other branches of Ukrainian power, to say nothing of those, who are still unable to define general reaction of the Ukrainian society to measures instituted by power.

Notwithstanding the above nuances and mock debates, the resolution clearly proves Ukraine's involvement in the world conflict and its intention to participate in fighting terrorism on the part of the United States. Therefore, it is possible to state that by joining the U.S. allies, Ukraine got indirectly engaged in the revenge action like Poland, Hungary, Romania, Slovakia, Turkey, Bulgaria and Russia. It is common knowledge that Russia provided its air corridor only for aircrafts with humanitarian aid and that Ukraine's decision was made after long consultations with Russian politicians.

It has already been mentioned that some representatives of the Ukrainian political establishment, for instance, Foreign Minister Anatoliy Zlenko, assured that Ukraine's decision had nothing in common with participation in military attacks or armed conflicts. On September 27, 2001, President Kuchma announced the position of national power on possible involvement of Ukrainian citizens in a new war against Afghanistan and asserted that «Ukraine is ready to render ideological, organizational and moral support to the United States but will join military actions in Afghanistan by no means».

Of special note is yet another anti-terrorist action that took place in the CIS. On September 28, 2001, Prime Ministers of the CIS states signed a joint declaration encouraging the world community to consolidate efforts and offer strong resistance to international terrorists. The Ukrainian party was represented by Premier Anatoliy Kinakh. The document emphasized the need to «put aside political declarations, take radical steps and work out a strategy and mechanism for the long-term international co-operation so that to make fighting terrorism a higher priority». Under the document, those measures will incorporate neutralization of nests of the international terrorists and their leaders, eradication of grounds for terrorism, separatism and other manifestations of extremism». For the time being, there are no transparent and unambiguous proposals for a strategy that Ukraine should elaborate according to the agreement with the CIS states.

In general, numerous answers to the questions regarding Ukraine's position in the military conflict have not been clearly formulated yet. The former Foreign Minister Borys Tarasiuk believes, «unfortunately, Ukrainian officials provide evasive answers to the following important question: should a military conflict be provoked, how will Ukraine react to the U.S. request to use Ukrainian airdromes? Kyiv officials should directly answer that question» (UTAR, «News», September 24, 2001). Such a viewpoint is hard to argue with.

In the light of the latest international developments, problems of renewal and specification of Ukraine's foreign policy guidelines also need solution. Given that specific situation, it is vitally important to promptly and adequately meet current challenges.